

Case 2:15-cr-00266-CJB .WR Document 43 (Court only) Fi. 04/14/16 Page 1 of 3

PS 8
(9/13)United States Courts
Southern District of Texas
FILED

May 02, 2016

David J. Bradley, Clerk of Court

UNITED STATES DISTRICT COURT
for the U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA EASTERN DISTRICT OF LA.

2016 APR 14 P 3:11

WIDBETTER NOBLE 15CR266 "J"
CLERK

U.S.A. vs. Joseph Rivera

Petition for Action on Conditions of Pretrial Release H 16-656M

COMES NOW James L. Lamy, PROBATION OFFICER, presenting an official report upon the conduct of defendant Joseph Rivera, who was placed under pretrial release supervision by the Honorable Daniel E. Knowles, III, sitting in the Court at New Orleans, Louisiana, on November 11, 2016, under various special conditions, including the following:

1) Submit to supervision by U.S. Probation; 2) Defendant is not to loiter or be found within 100 feet of any school yard, playground, arcade, or other place primarily used by children under the age of 18; 3) Participate in one of the following location restriction programs: Home Detention; 4) Submit to location monitoring with Active GPS technology as directed by Pretrial Services; 5) Residence to be approved by Pretrial Services; 6) Submit to Third Party Custody of father, Joe Ernest Rivera; 7) The defendant shall not use any computer or access the internet; 8) The defendant shall not have any contact with minors without the direct supervision of a responsible adult as approved by U.S. Probation. This includes any verbal, written, telephonic, or electronic communications with any person under the age of 17; 9) The defendant shall not use a mobile phone, PDA, gaming console, or other device capable of accessing the internet without prior approval of U.S. Probation. The defendant shall allow the Probation Officer to inspect these devices and/or billing statements to monitor for internet access; and 10) Any computer or device with internet capability in the residence where the defendant resides, which has been approved by U.S. Probation, must be password protected with a password unknown to the defendant.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:
(if short insert here; if lengthy write on separate and attach)

See the attached "Release Status Report to the Court" prepared by U.S. Probation Officer Cynthia McMurray-Thompkins in the Southern District of Texas dated April 13, 2016.

PRAYING THAT THE COURT WILL ORDER A WARRANT ISSUE AND A HEARING BE HELD TO SHOW CAUSE WHY THE DEFENDANT'S BOND SHOULD NOT BE REVOKED.

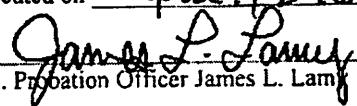
COPIES ARE TO BE DISTRIBUTED ONLY TO THE U.S. MARSHALS AND PROBATION OFFICE

ORDER OF COURT

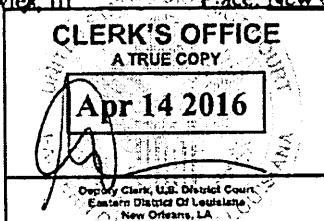
Considered and ordered this 14th day
of April, 2016 and ordered filed
and made a part of the records in the above case.

I declare under penalty of perjury that the foregoing
is true and correct.

Executed on April 14 2016


U.S. Probation Officer James L. Lamy


U.S. Magistrate Judge Daniel E. Knowles, III



Fee _____
Process _____
 DktD _____
 CtRmDep _____
 Doc. No. _____

RELEASE STATUS REPORT TO THE COURT

DEFENDANT: Joseph Rivera

DOCKET: 2:15CR-266-J

DISTRICT: ED/LA - New Orleans

RELEASE DATE: November 12, 2015

PENDING: Trial

CONDITIONS OF RELEASE:

\$25,000 Personal surety bond

Pretrial Supervision with conditions of release to include; no use of a mobile phone or other devices capable of accessing the internet without prior approval of U.S. Probation, the U.S. Probation shall be allowed to inspect devices and or billing statements to monitor internet access. and participate in the home confinement program (Home Detention), to name a few.

DEFENDANT HAS MET CONDITIONS OF RELEASE: [X] NO

CONDITIONS OF RELEASE NOT MET AND THE ACTIVITIES OF THE OFFICER TO BRING THE DEFENDANT INTO COMPLIANCE:

Home detention: You are restricted to your residence at all times except for employment; education, religious services, medical, substance abuse or mental health treatment, attorney visits, court appearances, court ordered obligations, or other activities as pre-approved by the pretrial services office or supervising officer.

INCIDENT 1

On November 13, 2015, Mr. Rivera had an office visit with Officer Scott Cooper. During the visit the conditions of release were reviewed with Mr. Rivera and he stated he understood them and possible consequences for failure to comply. Rivera was given instructions when he leaves the office to stop at an AT&T cell phone store and secure a cell phone set up for talk and text only.

On November 14, 2016, upon reviewing the defendant's activities after he left the office on November 13, 2015, it was discovered Rivera made a stop at a fast food restaurant.(See picture attached). Rivera was contacted about the unauthorized stop and verbally reprimanded.

INCIDENT 2

December 20, 2015, the undersigned received zone leave and enter alerts from the monitoring company. The defendant was contacted about his activities. He admitted he had been outside in the front area to get things out of his mother's vehicles. I reminded Rivera he did not have permission to go out the front door (only the back patio to smoke a cigarette) due to issues of interference with the monitor and concern regarding children that live as close as two homes away. The defendant was argumentative. However, he was verbally reprimanded and advised not to continue doing it. (See monitoring picture attached).

Joseph Rivera
Page 2

INCIDENT 3

On April 2, 2016, the undersigned received zone leave and enter alerts. When I reviewed the monitoring activity it appeared the defendant had went out his front door. I contacted the defendant about his activities and his tone was defensive. When I questioned whether he had been out of the home on this date, he initially did not answer the question. Subsequently, he admitted to going out the front door. He went on to say he had been doing it for some time. I reminded Rivera of our conversations previously about the issues with his monitor and children living in the neighborhood. Rivera was argumentative and wanted to justify his actions. I ended the conversation quickly as I explained to him he simply needs to follow the rules.

On April 7, 2016, I went to the defendant's home to further reiterate why I had told him he could not go out the front door without permission and to inquire why he was having a hard time with the rules. He instantly became defensive and argumentative. I shorten the conversation with the defendant and asked to speak with his father/3rd party custodian who responded similarly.

The defendant shall not use a mobile phone or other device capable of accessing the internet without prior approval of U.S. Probation. The defendant shall allow the Probation Officer to inspect these devices and or billing statements to monitor for internet access.

INCIDENT 4

On April 8, 2016, the defendant was instructed to report to the office. The defendant met with Sr. U.S. Probation Officer Jeff Fowler on this date. Officer Fowler reviewed the bond conditions, any internet access with Rivera. The defendant denied he had internet access. However, when Officer Fowler checked Rivera's cell phone he was able to pull up the internet. Rivera was given instructions to have his cell phone bill forwarded via his mother who pays the bill. Upon receipt of the bill, the defendant's phone had internet included from the months of January thru March 2016.

RECOMMENDATION:

Based on the above various violations since supervision began in November 2015, the defendant's argumentative nature, and unwillingness to follow the directives of the supervising officer it is recommended the defendant have a petition filed immediately. The defendant is a liability and uncooperative. In addition, it does not appear he has the proper support of his family to successfully be supervised.

Cynthia McMurray-Thompkins 4/13/2016
SR. U.S. PROBATION OFFICER

RETURN

United States District Court

EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

V.

WARRANT FOR ARREST

JOSEPH RIVERA

CASE NUMBER: CR 15-266 "J"

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest JOSEPH RIVERA and bring him or her forthwith to the nearest magistrate judge to answer a(n)

Indictment Information Complaint Order of
Court Probation Pretrial Release Violation
Violation
Petition Notice

charging him or her with Alleged Violations of Pretrial Release Supervision

in violation of Title United States Code, Section(s)

WILLIAM W. BLEVINS
Name of Issuing C

1000

Signature

Bail fixed at \$

CLERK

Title of Issuing Officer

April 14, 2016 New Orleans, Louisiana

Date and Location

by

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at

RETURN		
This warrant was received and executed with the arrest of the above-named defendant at _____		
DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		